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Our File No.: 12073.2000

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AMERICAN B.D. COMPANY,

Civil Action No. 2:13-cv-03699(KSH)(CLW)

Plaintiff,

v.

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

LOCAL 863 INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
PENSION PLAN,

ELECTRONICALLY FILED

Defendants.

To: Flavio L. Komuves, Esq., Kenneth I. Nowak, Esq.
Zazzali, Fagella, Nowak, Kleinbaum & Friedman
1 River Front Plaza, Suite 320
Newark, NJ 07102-5410
Attorney(s) for Defendant

PLEASE TAKE NOTICE THAT on a date set by the Court, or as soon thereafter as counsel may be heard, the undersigned attorneys for Plaintiff, American B.D. Company, will move before the United States District Court Superior Court of New Jersey for an order granting Summary Judgment in its favor.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Plaintiff will rely on the Brief, Exhibits submitted herewith and proposed form of Order.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

SCARINCI & HOLLENBECK, LLC

By: s/ Robert E. Levy, Esq.
Robert E. Levy Esq.
Attorney for Plaintiff

Dated: October 7, 2015

CERTIFICATION OF SERVICE

These papers have been filed with the Clerk, United States District Court, District of New Jersey via electronic filing. A copy of these papers has been served on the following persons:

- **FLAVIO L. KOMUVES**
fkomuves@zazzali-law.com, jmays@slevinhart.com, hmittchell@zazzali-law.com
- **KENNETH I. NOWAK**
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I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SCARINCI & HOLLENBECK, LLC

By: s/ Robert E. Levy, Esq.
Robert E. Levy Esq.
Attorney for Plaintiff

Dated: October 7, 2015